



# SCHOOL BUS, INC.

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## **DEPARTMENT OF EDUCATION "POINT OF CONTACT"** **JANURARY NEWSLETTER**

### **FMCSA Revises Waiver Conditions for Diabetics**

In response to directives from Congress, the Federal Motor Carrier Safety Administration has modified its requirements for CDL driver applicants seeking a medical waiver for insulin-dependent diabetes.

Effective November 8, the agency will no longer require that drivers have three years' experience driving a CMV while using insulin. The agency has also sent letters to applicants who were previously refused waivers, telling them that they no longer have to show CMV experience.

This action does not change state laws that may prohibit insulin-dependent drivers from obtaining CDLs. FMCSA is preparing proposed rulemaking that would require states to revise their standards as well, but it will not be completed within the 90-day time frame stipulated by SAFETEA-LU.

### **NHTSA Compiles Eleven-Year Averages in Latest Safety Facts**

The National Highway Traffic Safety Administration recently released the latest statistics on school transportation-related crashes, compiling data for the eleven-year period 1994-2004. The data show that occupant fatalities decreased in 2004, while pedestrian fatalities increased. A weakness of the report is that it does not distinguish between students and other pedestrians in reporting fatalities by year. Thus, we can see that 27 pedestrians were killed by a school vehicle in 2004, compared to an average of 21 for the period; but we don't know how many of those were actually students. (The Kansas National School Bus Loading and Unloading Survey reports that for school year 2003-2004, three students were killed by the school bus.) Occupant fatalities are easier to distinguish. Of the seven total fatalities in 2004, three were drivers and four were passengers. This compares to an average for the period of four drivers and six passengers.

Among other data of interest:

Since 1994, there have been 1,341 fatal school transportation crashes, about 0.3 percent of all fatal crashes. (NHTSA considers both school buses and non-school bus body types used as school buses in the statistics.)

There were an average of 134 fatalities per year in school transportation crashes; 70% were occupants of other vehicles, 22% were non-occupants, and only 8% were occupants of the school vehicle.

Of the 182 school-age pedestrians who died in school-transportation related crashes since 1994, 64% were killed by school buses, 5% by other school vehicles, and 31% by other vehicles.

About half of all students pedestrians killed in school-related crashes are between the ages of 5 and 7.

In the 11-year period, 91 fatal school bus crashes occurred; 41 were single-vehicle crashes and 50 were multiple-vehicle crashes. Surprisingly, more passengers were killed in the single-vehicle crashes (42 compared to 29), but more drivers were killed in the multi-vehicle crashes (30 compared to 12).

Only four of the 91 fatal crashes were the result of a rollover as the first harmful event; on the other hand, in seven crashes, the first harmful event was a person falling from the vehicle.

In almost half of the crashes involving fatalities to the occupants of the school vehicle, the principal point of impact was the front of the bus.

Of the total occupant fatalities since 1994, six drivers and 15 passengers were in school bus bodies being used for purposes other than student transportation; conversely, 22 occupants were in non-school bus bodies used for student transportation.

NHTSA's Fact Sheets can be found at <http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa>.

### **Questions . . .**

**Q.** Is there any law that says I have to transport special education students with regular students?

**A.** There is no federal law that specifically says that, and very likely no state law either. But the Individuals with Disabilities Education Act (IDEA, or in its newest version, IDEIA) requires that school districts provide the least restrictive environment (LRE) possible for students with disabilities. In the transportation environment, that means that if a student who is identified as needing special education can ride the bus with non-disabled students, that is how he should be transported.

There is a continuum of transportation options, from riding the “regular” bus with no accommodation to individualized transportation in a specially equipped vehicle. The disability of the student and the safety of others will dictate which option you use, but you must use the one that is least restrictive—i.e., least different from other students—while meeting the needs of both. If the student can’t ride the regular bus alone, but could ride with some accommodation—say an aide or a wheelchair lift—that is preferable under IDEA to putting him on a small vehicle alone or with other disabled students. Note that IDEA and the agency that enforces it do not consider the cost of accommodating a student with a disability a reason to put the student in a more restrictive environment. For example, if the class is going on an activity trip in a large bus, but the bus doesn’t have a wheelchair lift, the school can’t decide to send the student who uses a wheelchair in a van instead.

### **Service Bulletin**

BlueBird service bulletin S05KC is regarding routing of the wheelchair lift positive cable within the power distribution unit (PDU) on All American front engine buses equipped with Option 30192 wheelchair Lift. The wheelchair lift positive cable must be routed within the PDU according to instructions provided by service bulletin S05KC.

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